

Remarks

Rejection Pursuant to 35 USC 112

Claims 1 - 20 were rejected as being indefinite. Regarding claim 1, the Examiner contends that the phrase "nanocavity array", and "predetermined spectral response" render the claim indefinite because it is unclear what is "nanocavity" means. The Examiner argues that the claim does not recite laser structure, and therefore does not appear to understand how the claim can define a nanocavity. It is not clear to the Examiner how to lithographically form the nanocavity to define a predetermined spectral response of each nanocavity.

Language from claim 1 of U.S. Patent 6,466,709 has been incorporated into the preamble of claim 1 in response to the Examiner's suggestion to better provide a definition of the claimed cavity.

The term, "nanocavity array" is not literally used in claim 1. What is claimed is an improvement in a pumped multiwavelength photonic device. The device may be anyone of a number of different types of electrooptic photonic devices, including but not limited to a laser, modulator, detector, router, gate or spectrometer for wavelength and time division multiplexing applications. (Specification, page 9, line 21; page 10 lines 3 - 4). The improvement comprises a plurality of nanocavities. The plurality of nanocavities form a periodic patterned array of nanocavities. The applicants assume that the Examiner has no difficulty in understanding the general concept of a periodic patterned array of objects. A checkerboard is a patterned array of red and black squares. A dozen eggs for a

patterned array of eggs in a carton. Atoms form a patterned array in a crystal and so forth. Here the plurality of nanocavities form a patterned array.

Fig. 1a of the specification shows a single defect nanocavity, or microcavity or simply cavity, which is identical to Fig. 3 in **Painter**. It should be transparently clear that what is being called a nanocavity in the present specification is identical to what was called a microcavity in the prior art. Thus, there can be no indefiniteness about what a nanocavity or cavity is in this context. An optical cavity is part of the operative combination of a laser and many other optical devices. Here the optical cavity is of the order of the wavelength of light, i.e. a microcavity or more properly a nanocavity since the dimensions of the cavities as in **Painter** are conveniently measured in nanometers, e.g. a mode volume of 30nm^3 (page 8, line 2).

The Examiner states that he does not understand how to lithographically form the nanocavity to define a predetermined spectral response of each nanocavity. It is well known that an optical cavity in a laser significantly affects the mode of light which the laser produces. The nanocavities are described in the specification shown as omitted holes in an array of holes forming the photonic crystal, Fig. 1a and 1b and/or differently sized holes in the array, Figs. 6a – 6c, and/or filled holes in the array, (page 10, lines 7 – 14) and/or altered positions of holes in the array. Defects in the array affect that optical property of the array and define optical cavities of the size of the defect. See for example, page 3, line 14; page 5, line 21; page 6, line 10; page 7, line 10; page 8, lines 12 – 13; and page 9, line 12. This is also clearly taught by **Painter**. See also Lin

et.al., "Direct Measurement of the Quality Factor in a Two-Dimensional Photonic-Crystal Microcavity," Optics Letters, Vol. 16, No. 23, (2001); **Zhou et.al.**, "Electrically Injected Single-Defect Photonic Bandgap Surface-Emitting Laser at Room Temperature," Electronics Letters, Vol. 36, no 18 (2000); **Joannopoulos et.al.**, "Tunable Microcavity and Method of Using Nonlinear Materials in a Photonic Crystal" U.S. Patent 6,058,127 (2000).

It cannot be sustained that "nanocavities", "microcavities" or "cavities" in semiconductor devices are not known, that how they are fabricated in the photonic crystal and how they affect the optical properties or spectral response of the semiconductor device is not readily understood.

Regarding claim 9, the Examiner contends that the word "modulator" renders the claim indefinite because it is unclear what is "modulator". The Examiner contends that claim fails to recite the structure of modulator. A modulator is a well known photonic device, which takes an input signal and modulates it with a modulating signal to produce an output signal which has a form which is the input signal modulated by the modulating signal. It is clear that all that is being claimed is that the improvement is being used in a modulator. What is being claimed is an improvement in optical cavities which are used in various photonic devices, which here are claimed to include modulators. It is not necessary to claim the structure of every modulator devisable in order to claim the use of the improvement in one of them.










Regarding claim 10, the Examiner next contends the phrase that the "crystal is formed in active quantum well photonic well material" renders the claim

indefinite in that it is not clear to the Examiner how to form an active quantum well material. The applicants do not literally use the phrase, "active quantum well photonic well material." Again, what is an "active quantum well" is notoriously well known and how to form an array of holes in such material is clear, i.e. the same way in which the photonic crystal is formed in any material. The phrase "active quantum well" is used in a large number of Patents and literature references and the Examiner is directed to the following for various descriptions and examples of what is an "active quantum well":

PAT. NO.	Title
1 6,628,686	<u>Integrated multi-wavelength and wideband lasers</u>
2 6,614,060	<u>Light emitting diodes with asymmetric resonance tunnelling</u>
3 6,570,898	<u>Structure and method for index-guided buried heterostructure AlGaInN laser diodes</u>
4 6,567,443	<u>Structure and method for self-aligned, index-guided, buried heterostructure AlGaInN laser diodes</u>
5 6,563,627	<u>Wavelength converter with modulated absorber</u>
6 6,541,831	<u>Single crystal silicon micromirror and array</u>
7 6,526,083	<u>Two section blue laser diode with reduced output power droop</u>
8 6,353,624	<u>Semiconductor laser with tunable gain spectrum</u>
9 6,304,587	<u>Buried ridge semiconductor laser with aluminum-free confinement layer</u>
10 6,271,526	<u>Efficient radiation coupling to quantum-well radiation-sensing array via evanescent waves</u>
11 6,238,944	<u>Buried heterostructure vertical-cavity surface-emitting laser diodes using impurity induced layer disordering (IILD) via a buried impurity source</u>
12 6,233,267	<u>Blue/ultraviolet/green vertical cavity surface emitting laser employing lateral edge overgrowth (LEO) technique</u>
13 6,194,240	<u>Method for fabrication of wavelength selective electro-optic grating for DFB/DBR lasers</u>
14 6,174,749	<u>Fabrication of multiple-wavelength vertical-cavity opto-electronic device arrays</u>
15 6,084,898	<u>Laser devices including separate confinement heterostructure</u>
16 5,965,899	<u>Miniband transport quantum well detector</u>

- 17 5,963,568 ■ Multiple wavelength, surface emitting laser with broad bandwidth distributed Bragg reflectors
- 18 5,956,568 ■ Methods of fabricating and contacting ultra-small semiconductor devices
- 19 5,903,588 ■ Laser with a selectively changed current confining layer
- 20 5,889,805 ■ Low-threshold high-efficiency laser diodes with aluminum-free active region
- 21 5,863,809 ■ Manufacture of planar photonic integrated circuits
- 22 5,828,684 ■ Dual polarization quantum well laser in the 200 to 600 nanometers range
- 23 5,825,799 ■ Microcavity semiconductor laser
- 24 5,799,026 ■ Interband quantum well cascade laser, with a blocking quantum well for improved quantum efficiency
- 25 5,790,583 ■ Photonic-well Microcavity light emitting devices
- 26 5,782,996 ■ Graded compositions of II-VI semiconductors and devices utilizing same
- 27 5,745,517 ■ Alternative doping for AlGaInP laser diodes fabricated by impurity-induced layer disordering (IILD)
- 28 5,742,077 ■ Semiconductor device
- 29 5,699,375 ■ Multiple wavelength, surface emitting laser with broad bandwidth distributed Bragg reflectors
- 30 5,659,179 ■ Ultra-small semiconductor devices having patterned edge planar surfaces
- 31 5,648,979 ■ Assembly of VCSEL light source and VCSEL optical detector
- 32 5,642,376 ■ Visible light surface emitting semiconductor laser
- 33 5,629,215 ■ Method of fabricating and contacting ultra-small three terminal semiconductor devices
- 34 5,608,753 ■ Semiconductor devices incorporating p-type and n-type impurity induced layer disordered material
- 35 5,583,351 ■ Color display/detector
- 36 5,574,745 ■ Semiconductor devices incorporating P-type and N-type impurity induced layer disordered material
- 37 5,567,646 ■ Method of making a stripe-geometry II/VI semiconductor gain-guided injection laser structure using ion implantation
- 38 5,534,444 ■ Process for producing an electrically controllable matrix of vertically structured quantum well components
- 39 5,530,713 ■ Strained layer InGaAs quantum well semiconductor laser on GaAs substrate with quantum well-barrier layer interface structure
- 40 5,521,398 ■ Quantum well heterostructure optical operator
- 41 5,465,263 ■ Monolithic, multiple wavelength, dual polarization laser diode

arrays

- 42 5,455,429  Semiconductor devices incorporating p-type and n-type impurity induced layer disordered material
- 43 5,452,118  Optical heterodyne receiver for fiber optic communications system
- 44 5,434,700  All-optical wavelength converter
- 45 5,428,634  Visible light emitting vertical cavity surface emitting lasers
- 46 5,351,256  Electrically injected visible vertical cavity surface emitting laser diodes
- 47 5,344,746  Integrated light deflector and method of fabrication therefor
- 48 5,327,415  Integrated light deflector and method of fabrication therefor
- 49 5,325,386  Vertical-cavity surface emitting laser assay display system
- 50 5,287,376  Independently addressable semiconductor diode lasers with integral lowloss passive waveguides

Regarding claim 16, the Examiner contends that the phrase "means for changing optical or electrical properties of said nonlinear optical material" renders the claim indefinite because it is not clear how to provide optical or electrical {sic - changes}. Page 4, line 20 – 24 states:

"The array further comprises means for changing optical or electrical properties of the nonlinear optical material in each of the nanocavities, such as electrodes for applying a voltage or current across the array. "

The means is enabled in the specification and the Examiner cannot as a matter of law use 35 USC 112 to reject a functionally defined means, which in pertinent part provides:

"An element in a claim for a combination may be expressed as a means or step for performing a specified function **without the recital of structure, material, or acts in support thereof**, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. " (emphasis added)

Rejection Pursuant to 35 USC § 102

What **Painter** does not show is anything like Figs. 2a and 2b, which depict an array of nanocavities or microcavities or cavities. The Examiner repeats the earlier rejection that **Painter** discloses a single nanocavity or microcavity in a photonic crystal. It mischaracterizes **Painter** to assert that it teaches a periodic or patterned array of such nanocavities or microcavities in a photonic crystal. The holes are not the nanocavities or microcavities in this context. The holes in the semiconductor material define the photonic crystal and it is there presence that results in the *lack or absence of any nanocavity or microcavity in a photonic crystal*.

Painter is clearly lacking any disclosure whatsoever of forming a supercavity in a photonic device made from a periodic array of nanocavities.

Rejection Pursuant to 35 U.S.C. § 103

The Examiner repeats the earlier rejection of claims 6 and 15 as obvious over **Painter**. The mere knowledge that detectors exist as disclosed by **Tanguary, Jr** does not suggest or motivate creating an array of nanocavities in anything, including a detector.

Further claims 6 and 15 depend directly or indirectly on claim 1 and are allowable therewith and for the additional limitations set forth in the subject claims.

The Examiner deems the applicants prior arguments as unpersuasive in




that definitions of various common elements in the electrooptical arts were not provided to the Examiner's satisfaction.

Although it is largely semantic, the applicants now claim merely "cavity" since the difference in this context of a cavity, microcavity or nanocavity is merely semantic. The reference in the patent literature to a cavity in a photonic crystal is notorious, and can be found in the literature references cited above and, for example, in the following patents:

PAT. Title
NO.

1	<u>6,640,034</u>	<u>Optical photonic band gap devices and methods of fabrication thereof</u>
2	<u>6,639,712</u>	<u>Method and apparatus for configuring and tuning crystals to control electromagnetic radiation</u>
3	<u>6,618,535</u>	<u>Photonic bandgap device using coupled defects</u>
4	<u>6,611,636</u>	<u>Hybrid active electronic and optical Fabry Perot cavity</u>
5	<u>6,611,085</u>	<u>Photonicallly engineered incandescent emitter</u>
6	<u>6,597,851</u>	<u>Periodic dielectric structure having a complete three-dimensional photonic band gap</u>
7	<u>6,597,721</u>	<u>Micro-laser</u>
8	<u>6,593,894</u>	<u>Highly directional receiver and source antennas using photonic band gap crystals</u>
9	<u>6,589,334</u>	<u>Photonic band gap materials based on spiral posts in a lattice</u>
10	<u>6,586,775</u>	<u>Light-emitting device and a display apparatus having a light-emitting device</u>
11	<u>6,583,350</u>	<u>Thermophotovoltaic energy conversion using photonic bandgap selective emitters</u>
12	<u>6,577,801</u>	<u>Holey optical fibers</u>
13	<u>6,570,704</u>	<u>High average power chirped pulse fiber amplifier array</u>
14	<u>6,569,382</u>	<u>Methods apparatus for the electronic, homogeneous assembly and fabrication of devices</u>
15	<u>6,567,209</u>	<u>Microcavity amplifiers</u>
16	<u>6,555,945</u>	<u>Actuators using double-layer charging of high surface area materials</u>
17	<u>6,547,982</u>	<u>Dielectric composites</u>

18	<u>6,542,682</u>	<u>Active photonic crystal waveguide device</u>
19	<u>6,542,654</u>	<u>Reconfigurable optical switch and method</u>
20	<u>6,539,155</u>	<u>Microstructured optical fibres</u>
21	<u>6,532,326</u>	<u>Transverse-longitudinal integrated resonator</u>
22	<u>6,529,676</u>	<u>Waveguide incorporating tunable scattering material</u>
23	<u>6,515,305</u>	<u>Vertical cavity surface emitting laser with single mode confinement</u>
24	<u>6,512,866</u>	<u>High efficiency channel drop filter with absorption induced on/off switching and modulation</u>
25	<u>6,496,632</u>	<u>Method of fabricating photonic structures</u>
26	<u>6,468,823</u>	<u>Fabrication of optical devices based on two dimensional photonic crystal structures and apparatus made thereby</u>
27	<u>6,468,348</u>	<u>Method of producing an open form</u>
28	<u>6,466,709</u>	<u>Photonic crystal microcavities for strong coupling between an atom and the cavity field and method of fabricating the same</u>
29	<u>6,445,862</u>	<u>Dispersion compensating photonic crystal fiber</u>
30	<u>6,433,931</u>	<u>Polymeric photonic band gap materials</u>
31	<u>6,424,317</u>	<u>High efficiency broadband antenna</u>
32	<u>6,416,575</u>	<u>Photonic crystal multilayer substrate and manufacturing method thereof</u>
33	<u>6,404,966</u>	<u>Optical fiber</u>
34	<u>6,363,096</u>	<u>Article comprising a plastic laser</u>
35	<u>6,334,017</u>	<u>Ring photonic crystal fibers</u>
36	<u>6,330,259</u>	<u>Monolithic radial diode-pumped laser with integral micro channel cooling</u>
37	<u>6,310,991</u>	<u>Integrated optical circuit</u>
38	<u>6,274,293</u>	<u>Method of manufacturing flexible metallic photonic band gap structures, and structures resulting therefrom</u>
39	<u>6,260,388</u>	<u>Method of fabricating photonic glass structures by extruding, sintering and drawing</u>
40	<u>6,219,006</u>	<u>High efficiency broadband antenna</u>
41	<u>6,198,860</u>	<u>Optical waveguide crossings</u>
42	<u>6,175,671</u>	<u>Photonic crystal waveguide arrays</u>
43	<u>6,134,043</u>	<u>Composite photonic crystals</u>
44	<u>6,130,969</u>	<u>High efficiency channel drop filter</u>
45	<u>6,111,472</u>	<u>Quasi-optical amplifier</u>
46	<u>6,101,300</u>	<u>High efficiency channel drop filter with absorption induced on/off switching and modulation</u>
47	<u>6,097,870</u>	<u>Article utilizing optical waveguides with anomalous</u>

		<u>dispersion at vis-nir wavelenghts</u>
48	<u>6,093,246</u> 	<u>Photonic crystal devices formed by a charged-particle beam</u>
49	<u>6,075,640</u> 	<u>Signal processing by optically manipulating polaritons</u>
50	<u>6,064,511</u> 	<u>Fabrication methods and structured materials for photonic devices</u>

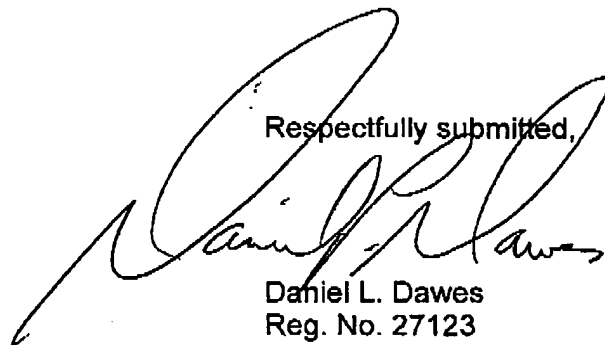
The Examiner cites **Painter** as stating, "the ability to fabricate compact lateral *microcavities* is important" (p 1820, first paragraph, emphasis added). This is a passing, offhand statement in the grammatical plural as a rhetorical statement of importance and is not in any way a statement of what **Painter** did. One could similarly state that "cures to cancer are important", or "vacations in warm climates are popular", but it does not mean that the writer is speaking about more than one cure or vacation. The very sentence prior to the one upon which the Examiner relies to reject the claims states:

"We describe initial experimental results of a type of microcavity laser in which light is confined to a single defect of a nanofabricated two-dimensional (2D) photonic crystal."

If the light is confined to a **single defect** of a nanofabricated two-dimensional (2D) photonic crystal, it must be confined to a single microcavity, otherwise it would be confined to multiple defects and furthermore the multiple defects themselves would have to be organized to form patterned array of cavities, which in turn has an effect on the optical performance of the device, i.e. a higher order affect than just a single defect or microcavity. A fair reading of **Painter** clearly demonstrates that **Painter** does not contemplate forming multiple defects or cavities into a periodic pattern d array or supercavity collectively comprised of an

array of nanocavities. A mere, bare statement about the importance of "microcavities" does not teach or disclose anything about how a plurality of microcavities can be used for any purpose, and specifically does not teach or disclose anything about supercavities or periodic patterned arrays of nanocavities.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Daniel L. Dawes', is written over the typed name and contact information.

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